

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DEVYN W.,

Plaintiff,

-v-

3:24-CV-861 (AJB/ML)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

DEVYN W.
Plaintiff, Pro Se
46 Cumber Road
Harpursville, NY 13787

SOCIAL SECURITY ADMINISTRATION
Office of the General Counsel
Attorneys for Defendant
6401 Security Boulevard
Baltimore, MD 21235

OF COUNSEL:

VERNON NORWOOD, ESQ.
Special Assistant U.S. Attorney

Hon. Anthony Brindisi, U.S. District Judge:

ORDER ON REPORT & RECOMMENDATION

On July 10, 2024, *pro se* plaintiff Devyn W.¹ (“plaintiff”) filed this civil action seeking review of the final decision of defendant Commissioner of Social Security (“Commissioner”) denying his application for Disability Insurance Benefits (“DIB”) under the Social Security Act. Dkt. No. 1. Along with his complaint, plaintiff moved for leave to proceed *in forma pauperis* (“IFP Application”). Dkt. No. 3. The case was initially assigned to U.S. District Judge David N.

¹ On May 1, 2018, the Judicial Conference’s Committee on Court Administration and Case Management issued a memorandum that encouraged courts to better protect the privacy of non-governmental parties in Social Security matters by using only the first name and last initial of the claimant in published opinions.

Hurd, who referred the matter to U.S. Magistrate Judge Miroslav Lovric for a Report & Recommendation (“R&R”). Dkt. No. 12.

Judge Lovric granted plaintiff’s IFP Application, Dkt. No. 6, the Commissioner filed a certified copy of the Administrative Record, Dkt. No. 13, and the parties briefed the matter in accordance with General Order 18, which provides that an appeal from the Commissioner’s denial of benefits will be treated as if the parties have cross-moved for judgment on the pleadings under Rule 12(c) of the Federal Rules of Civil Procedure, Dkt. Nos. 15, 19. The matter was later reassigned to this Court for all further proceedings but remained referred to Judge Lovric for the issuance of an R&R. Dkt. No. 16.

On May 21, 2025, Judge Lovric advised by R&R that: (1) plaintiff’s motion should be denied; (2) the Commissioner’s motion should be granted; (3) the Commissioner’s final decision should be affirmed; and (4) plaintiff’s complaint should be dismissed. Dkt. No. 21. As Judge Lovric explained, the Commissioner’s determination that plaintiff was not “disabled” within the meaning of the Social Security Act—at least during the time period for which benefits had been denied—was based on the correct legal standards and supported by “substantial evidence.” *Id.*

Plaintiff has not lodged objections, and the time period in which to do so has expired. *See* Dkt. No. 21. Upon review for clear error, Judge Lovric’s R&R is accepted and will be adopted. *See* FED. R. CIV. P. 72(b).

Therefore, it is

ORDERED that

1. The Report & Recommendation (Dkt. No. 21) is ACCEPTED;
2. Plaintiff’s motion is DENIED;
3. The Commissioner’s motion is GRANTED;

4. The Commissioner's final decision is AFFIRMED; and
5. Plaintiff's complaint is DISMISSED.

The Clerk of the Court is directed to terminate the pending motion, enter a judgment accordingly, and close the file.

IT IS SO ORDERED.

Dated: June 17, 2025
Utica, New York.



Anthony J. Brindisi
U.S. District Judge